

25044. Misbranding of Dr. Goudy's Magic Liniment. U. S. v. 27 Bottles of Dr. Goudy's Magic Liniment. Default decree of condemnation and destruction. (F. & D. no. 35548. Sample no. 23159-B.)

This case involved a drug preparation the labeling of which bore unwarranted curative and therapeutic claims. The labeling was further objectionable, since the alcohol present in the article was not declared, no declaration appearing on the carton, and that appearing on the bottle label being incorrect.

On May 28, 1935, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 27 bottles of Dr. Goudy's Magic Liniment at Duluth, Minn., alleging that the article had been shipped in interstate commerce on or about October 11, 1934, by the Dr. Goudy Remedy Co., from Charleston, Ill., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of phenol (7.5 grams per 100 milliliters), extracts of plant drugs including chrysophanic acid and chrysarobin (alcohol 17 percent), and water.

The article was alleged to be misbranded in that the statement on the bottle label, "50 per cent of it is ethyl alcohol", was false and misleading. Misbranding was alleged for the further reason that the package failed to bear on its label a statement of the quantity or proportion of the alcohol contained therein, since no reference to alcohol appeared on the carton, and the statement on the bottle label was incorrect. Misbranding was alleged for the further reason that the following statements appearing in the labeling were statements regarding the curative or therapeutic effects of the article and were false and fraudulent: (Label) "The Greatest Healer Known * * * no unsightly scar or blemish will mark the seat of the injury, and the hair will cover the wounded surface as though it had never been disturbed"; (circular) "A Sure and Speedy Cure For * * * Eczema, Dog and Snake Bites, Lockjaw, Punctures by Rusty Nails and All Other Injuries Where Poisonous Tendency Is Imparted—Leaving the Wounded Surface Without a Scar * * * We guarantee that no unsightly scar blemish will mark the seat of injury and the hair will cover the wounded surface as though it had never been disturbed. Fistula, Piles, * * * Eczema * * * In the household, it insures immunity from the many distressing complications often following burns, punctures by rusty nails, pin scratches, dog and snake bites and other injuries of like nature where a poisonous tendency is imparted. * * * [Testimonials] 'My daughter had an eczema on her chin. She was being treated by the best physicians without success. It spread to the surrounding tissues. I was induced to try Goudy's Liniment. * * * It required but a few applications to effect a cure'; * * * as a valuable dressing for all wounds and burns'; * * * it never fails to heal and without leaving the slightest scar'; * * * 'So many cures of badly lacerated cuts have been reported to us by customers that we do not hesitate to guarantee it to quickly and permanently cure without scar or blemish any cut, burn or sore.'"

On July 26, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25045. Misbranding of Walter's Radiant Hair Rejuvenator. U. S. v. 22 Cartons of Walter's Radiant Hair Rejuvenator. Default decree of condemnation and destruction. (F. & D. no. 35549. Sample no. 32311-B.)

This case involved a drug preparation the labeling of which contained unwarranted curative and therapeutic claims. The labeling was further objectionable since the article contained undeclared alcohol and it was labeled as being a harmless preparation for the restoration of the natural color of the hair; whereas it was not a harmless preparation and would not restore the natural color of the hair.

On May 28, 1935, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 cartons of Walter's Radiant Hair Rejuvenator at Des Moines, Iowa, alleging that the article had been shipped in interstate commerce on or about March 12, 1935, by Walter's Products Co., Inc., from St. Paul, Minn., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of lead acetate, sulphur, boric acid, quinine, glycerin, alcohol (14.7 percent), water, and perfume.

The article was alleged to be misbranded in that the following statements in the circular shipped with the article were false and misleading: "It is Absolutely Harmless. To Restore Natural Color—Whether you are a blonde, a brunette, or a Titian, all you need to do is to treat your hair regularly twice a day with Walter's Radiant Hair Rejuvenator until the desired natural color returns, can be used on any color of hair. It is absolutely harmless, and not only restores natural color, but also rejuvenates natural growth." Misbranding was alleged for the further reason that the package failed to bear a statement on the label of the quantity or proportion of alcohol contained in the article. Misbranding was alleged for the further reason that certain statements and designs in the labeling falsely and fraudulently represented that it was effective as a hair rejuvenator; effective in removing dandruff, preventing hair from falling out, promoting the growth of hair and bringing it back to a vigorous-looking shade, and restoring natural color to the hair; effective in the treatment of itching scalp, and eczema of the scalp; effective to make the scalp young, create circulation, and bring back the pigment flow into the hair cells and roots; effective to restore natural fullness to thin hair and correct the fundamental cause of scalp trouble; effective to reach the cause of acne and other skin eruptions; and effective to bring back a more youthful appearance.

On July 12, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25046. Misbranding of Revigoro Tonic Health Tea. U. S. v. 26 Packages and 65 Packages of Revigoro Tonic Health Tea. Default decree of condemnation and destruction. (F. & D. nos. 35401, 35765. (Sample nos 23002-B, 23304-B.)

These cases involved a drug preparation the labeling of which contained unwarranted curative and therapeutic claims.

On April 23, 1935, the United States attorney for the District of Minnesota acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 26 packages of Revigoro Tonic Health Tea at Minneapolis, Minn. On July 16, 1935, a libel was filed in the Western District of Wisconsin, against 65 packages of the product at Madison Wis. The libels alleged that the article had been shipped in interstate commerce on or about January 26 and February 27, 1935, by the Universal Pharmaceutical Co., from Chicago, Ill., and that it was misbranded in violation of the Food and Drugs Act as amended.

A sample of the product taken from one of the shipments was found to consist of a mixture of powdered plant drugs including senna leaves, elder flowers, anise seed, licorice root, camomile flowers, cinnamon bark, buckwheat leaves, podophyllum root, wahoo bark, pipsissewa leaves, gentian root, snake root, squawroot, sarsaparilla root, and sassafras root.

The article was alleged to be misbranded in that the name "Revigoro Tonic Health Tea" and certain statements in the labeling falsely and fraudulently represented that it was effective to aid in the restoration of, to correct congested condition, to cleanse, tone, and revitalize the organs, glands, and tissues effective in the treatment of chronic constipation, improper elimination, various acute and chronic affliction of the kidneys, bowels, liver, stomach, and bladder effective as a tonic and alterative on the entire system, and to affect the genitourinary tract and prostate gland; effective to eliminate moisture flesh known as excess weight or obesity; effective to restore the system to function; effective to remedy disease and restore the body to a healthy normal condition; effective to relieve conditions responsible for ailments; effective to increase the secretions, remove impurities, and act as a tonic and alterative; effective in acute congestion and toxic poisoning; and effective in the treatment of heartburn, sour stomach, gastritis, and all symptoms of lack of proper function in some part of the system.

On June 20 and August 16, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25047. Misbranding of Requa's Charcoal Tablets. U. S. v. 117 Packages of Requa's Charcoal Tablets. Default decree of condemnation and destruction. (F. & D. no. 35424. Sample no. 30040-B.)

This case involved a product which was misbranded because of unwarranted curative and therapeutic claims in the labeling.